

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

MALIBU MEDIA, LLC,)
)
Plaintiff,) Civil Case No. 1:15-cv-03617
)
v.) Honorable Andrea R. Wood
)
JOHN DOE subscriber assigned IP address)
73.8.79.79,)
)
Defendant.)
)

INITIAL STATUS REPORT

1. **The Nature of the Case**

a. Attorneys of Record:

Plaintiff, Malibu Media, LLC, is represented by Mary K. Schulz of Media Litigation Firm, PC, located at 1144 East State Street, Ste. A260, Geneva, IL, 60134, Tel: (224) 535-9510.

Defendant: Plaintiff only knows Defendant by his, her or its IP Address. Defendant's IP address is set forth on Exhibit A of the Complaint [CM/ECF 1].

b. Service:

Plaintiff only knows Defendant by his, her or its IP Address. On May 8, 2015, Plaintiff filed a Motion for Leave to Serve a Third Party Subpoena upon the Defendant's Internet Service Provider. The Court granted Plaintiff's Motion and the Subpoena was promptly served upon the Internet Service Provider. The ISP had until July 23, 2015 to provided Defendant's information, however failed to do so. Plaintiff has followed up several times as to the status of Defendant's identifying information. Once Defendant has been identified, the complaint will be amended and sent out for service upon Defendant.

c. Jurisdiction:

This Court has subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (district courts having subject matter jurisdiction over matters dealing with a federal question) and 28 U.S.C. § 1338 (district courts having subject matter jurisdiction over matters dealing with patents, copyrights, and trademarks).

d. Nature of the Claims:

On April 24, 2015, Plaintiff filed its Complaint to permanently enjoin Defendant from directly infringing on Plaintiff's copyrighted works and for damages pursuant to 17 U.S.C. § 504-(a) and (c). There are currently no counterclaims in this case.

e. Relief sought by Plaintiff:

In its Complaint, Plaintiff requests that the Court:

- (a) permanently enjoin Defendant and all other persons who are in active concert or participation with Defendant from continuing to infringe Plaintiff's copyrighted works;
- (b) order that Defendant delete and permanently remove the torrent files relating to Plaintiff's works from each of the computers under Defendant's possession, custody or control;
- (c) order that Defendant delete and permanently remove the infringing copies of the works Defendant has on computers under Defendant's possession, custody or control;
- (d) award Plaintiff statutory damages in the amount of \$150,000 per infringed Work pursuant to 17 U.S.C. § 504-(a) and (c);

(e) award Plaintiff its reasonable attorneys' fees and costs pursuant to 17 U.S.C. § 505; and

(f) Grant Plaintiff any other and further relief this Court deems just and proper.

f. Legal and Factual Issues:

NONE

2. **Case Plan**

a. Pending Motions:

NONE

b. Defendant's Response:

Plaintiff is not aware of the type of response the Defendant intends to file on this matter.

c. Proposed Discovery and Case Management Plan:

No discovery has been taken at this time. In addition to the voluntary initial disclosures, Plaintiff intends to take Defendant's deposition, the deposition of persons identified by Defendant in his answers to interrogatories, Defendant's neighbors, and Defendant's Internet Service Provider. Plaintiff currently intends to seek discovery with respect to all allegations contained in the Complaint and any amendments thereto, and in any Answer and Affirmative Defenses filed by Defendants. Plaintiff only knows Defendant by his, her or its IP Address. As the Defendant has not been served, a joint proposed discovery plan may not be provided at this time.

d. Jury Trial:

In the complaint Plaintiff has requested a trial by jury. Plaintiff estimates that trial will be no longer than four [4] days.

3. **Status of Settlement Discussions**

The parties have not discussed settlement on this matter.

4. **Consent to Proceed Before a Magistrate Judge**

Plaintiff consents to the jurisdiction of a United States Magistrate Judge on all non-dispositive motions.

Dated: August 5, 2015

Respectfully submitted,

MEDIA LITIGATION FIRM, P.C.

By: /s/ Mary K. Schulz
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that August 5, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Mary K. Schulz